

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VIVIAN FRIETZE,

Plaintiff,

v.

Case No. 12-cv-0584 SMV/CG

SAFECO INS. CO. OF AMERICA,

Defendant.

**ORDER SETTING PRETRIAL MOTIONS HEARING, PRETRIAL CONFERENCE,
JURY SELECTION, AND JURY TRIAL**

THIS MATTER is before the Court on a telephonic status conference held on February 19, 2013. The following settings and deadlines are hereby imposed.

A Pretrial Motions Hearing will be held on **Wednesday, April 3, 2013, at 10:00 a.m.** in the **Doña Ana Courtroom, third floor, United States Courthouse, 100 N. Church Street, Las Cruces, New Mexico.** The parties need not be present. All pending pretrial motions, including motions in limine, will be heard throughout the course of the day; counsel shall therefore be prepared to attend for the entire day.

A Pretrial Conference will be held on **Tuesday, September 24, 2013, at 10:00 a.m.** in the **Doña Ana Courtroom, third floor, United States Courthouse, 100 N. Church Street, Las Cruces, New Mexico.** Lead trial counsel must be present for the Pretrial Conference. The parties need not be present.

Jury Selection and Jury Trial will begin on **October 22, 2013, at 9:00 a.m.,** and end on **October 25, 2013,** in the **United States Courthouse, 100 N. Church Street, Las Cruces, New Mexico.** A specific courtroom will be designated at a later date.

Witness lists, designations of deposition testimony, exhibit lists and books of exhibits, a statement of the case, jury instructions, and requested voir dire are due **September 24, 2013**. Any responses or objections are due **October 1, 2013**.

The parties are encouraged, but not required, to submit trial briefs outlining basic legal theories, anticipated evidence in support of the theories, and the legal basis of any anticipated evidentiary disputes. The briefs are due **October 15, 2013**.

Witness Lists: The parties shall file their witness lists, which must disclose both witnesses that the parties “will call” and witnesses that they “may call” at trial. Witnesses shall be listed in the order in which they will be called at trial.

Designations of Deposition Testimony: The parties shall file designations of deposition testimony that they intend to use at trial. The designations must state the pages and lines of the deposition to be used. Counsel must submit copies of the depositions to my chambers by the due date above and must highlight the parts of the depositions that are to be used. Plaintiff(s) will use a yellow marker and Defendant(s) a blue marker. These requirements do not apply to cross-examination or rebuttal of a witness presented in person at trial.

Exhibits: The parties shall file one list of stipulated exhibits and separate lists of contested exhibits. They shall also submit two books of marked exhibits to my chambers. The first book shall include exhibits that the parties stipulate to be admissible, and shall be labeled consecutively. The second book shall include exhibits whose admissibility is contested, and shall be labeled consecutively beginning with the next sequential number after the final stipulated exhibit designation. For instance, if there are 50 stipulated exhibits, 20 plaintiff's exhibits, and 20 contested defendant's exhibits, the first notebook shall contain

stipulated exhibits numbered 1 to 50. The second notebook shall contain plaintiff's contested exhibits numbered 51 through 70 and defendant's contested exhibits numbered 71 through 90.

Statement of the Case: The parties shall file a consolidated, clear, concise statement of the case, to be read by the Court to the jury at the beginning of trial. If counsel are unable to agree to a consolidated statement of the case, they shall file separate statements of the case.

Jury Instructions: The parties shall meet and confer about proposed jury instructions. Plaintiff is responsible for filing a set of requested jury instructions to which all of the parties agree. Requested instructions upon which the parties cannot agree must be filed separately by the requesting party. There shall be only one instruction per page and each instruction shall include a citation to supporting authority at the bottom of the page. The parties must also email a copy of the instructions in Microsoft Office Word format, without citations, to smvproposedtext@nmcourt.fed.us.

A party wishing to object to an opposing party's requested instructions must file written objections.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge
Presiding by Consent